

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 25, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 25, 2008.

Mayor Warmington opened the meeting with a prayer from Reverend Diane Bowden from the Crestwood United Methodist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2008-28 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the March 10th Commission Worksession, and the March 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Magnetic Flow Meter. WATER FILTRATION

SUMMARY OF REQUEST: Award a contract to replace the venturi tube meter at the filtration plant with a more accurate magnetic flow meter to Jackson Merkey contractors of Muskegon; the lowest responsible bidder with a bid price of \$256,475.

FINANCIAL IMPACT: \$256,475.

BUDGET ACTION REQUIRED: The 2008 Filtration Plant capitol improvements budget includes \$130,000 for the meter and clear well valve projects. The first quarter budget re-forecast will be adjusted to reflect the deletion of the clear well project and to increase the meter project budget to \$270,000.

STAFF RECOMMENDATION: Award of this project to Jackson-Merkey Contractors at a cost of \$256,475.

C. Muskegon Bike Time Events, Inc. - July 18th thru July 20th, 2008. LEISURE SERVICES

SUMMARY OF REQUEST: Muskegon Bike Time sent a letter dated October 22, 2007, which included several requests to the City of Muskegon. The Leisure Services Board and City staff have reviewed the request and recommend approval, with the conditions outlined in the staff memo from Cathy Brubaker-Clarke, dated March 17, and with the modifications suggested by the Leisure Services Board at their March 17, 2008, meeting.

FINANCIAL IMPACT: Additional information will be needed regarding the City equipment for Bike Time. It is recommended that staff make the final decision regarding rental fees, actual costs, and/or exchange of concert tickets.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request from Bike Time as outlined in their letter dated October 22, 2007, with the conditions outlined by staff in the memo dated March 17, 2008, and the Leisure Services Board.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved the request from Bike Time with the conditions outlined by staff in the March 17, 2008, memo, and with the final information regarding closure of Clay Avenue between 3rd and 4th Street during Parties-in-the-Park to be coordinated through the Police Chief and the Parties-in-the-Park Committee.

D. Consideration of Bids for the Culvert Replacement at the West Branch of Ruddiman Creek, North of Sherman Blvd. (SP-202). ENGINEERING

SUMMARY OF REQUEST: Award this joint venture project between Muskegon, Norton Shores and Roosevelt Park to Dykstra Excavating of Grand Rapids since they were the lowest, responsible bidder with a bid price of \$134,382.40. The project entails the replacement of an existing corrugated metal pipe culvert with a concrete box culvert. This project is not a prevailing wage contract since the City has only a 37% participation and the other two communities do not have a prevailing wage requirement.

The award, if approved, needs to be contingent upon securing the necessary permits and easements.

FINANCIAL IMPACT: The construction cost of \$134, 382.40 plus engineering cost which is estimated at an additional 15% to be shared between the three communities.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the culvert replacement contract to Dykstra Excavating.

F. Crack Sealing Machine. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase a used Crafcro 125 crack sealing machine.

FINANCIAL IMPACT: \$12,699.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase from National Highway Maintenance.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the consent agenda as read minus item E.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

2008-29 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Budgeted Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase six 2008 Crown Victoria Police Interceptors from Whitehall Ford since they were the lowest bidder with a bid price of \$124,014.

FINANCIAL IMPACT: \$124,014.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to purchase the cruisers from Whitehall Ford.

Motion by Commissioner Carter, second by Commissioner Wierengo to purchase six 2008 Crown Victoria Police Interceptors from Great Lakes Ford, 2469 E. Apple Avenue, for \$124,200.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, and Shepherd

Nays: Spataro, and Gawron

MOTION PASSES

2008-30 UNFINISHED BUSINESS:

A. Create a Special Assessment District for Estes Street, Fair to Lakeshore. ENGINEERING

SUMMARY OF REQUEST: Create a special assessment district for Estes Street, Fair to Lakeshore; and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. A public hearing was held at the March 11th City Commission Meeting.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Motion by Commissioner Spataro, second by Commissioner Wisneski to create a special assessment district for Estes Street, Fair to Lakeshore.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: Warmington

MOTION DEFEATED

B. Create a Special Assessment District for Seventh Street, Muskegon to Webster. ENGINEERING

SUMMARY OF REQUEST: Create a special assessment district for Seventh Street, Muskegon to Webster; and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. A public hearing was held at the March 11th City Commission Meeting.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to create the special assessment district for Seventh Street, Muskegon to Webster.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

Mayor Warmington appointed Vice Mayor Gawron and Commissioner Spataro to the Board of Assessors.

2008-31 NEW BUSINESS:

A. Water Service Agreement with the City of Muskegon Heights. CITY MANAGER

SUMMARY OF REQUEST: To approve a short-term agreement with the City of Muskegon Heights for the operation of the Muskegon Heights water filtration plant and water distribution system.

FINANCIAL IMPACT: The city will be paid at a rate of \$80 an hour.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign it.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve a short-term agreement with the City of Muskegon Heights for the operation of the Muskegon Heights water filtration plant and water distribution system.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Environmental Program Trash Clean-up Contract. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The special trash pick-up on city terraces and right-of-ways associated with our Environmental Inspections program is currently being performed by Diversified UG Utilities, Inc. A request for bids was advertised with three companies placing bids. Big Sky Field Services is the low bidder for a one-year and three-year agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To waive the bid irregularity and approve the contract and to authorize the Mayor and City Clerk to sign a three-year agreement with Big Sky Field Services for the special trash pick-ups along city right-of-ways, as directed by Environmental Inspections staff.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the environmental program trash clean-up contract with Big Sky Field Services.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

C. Environmental Program Mowing and Trash Clean-up Contract. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The contract for mowing of lots and trash clean-up of public and private properties previously held by Freelance Enterprises, Inc., will expire on March 29, 2008. A request for bids was advertised and five companies placed bids. One set of bids submitted by Murray Vanderstelt were contradictory and very incomplete. Freelance Enterprises of Muskegon Township is the low bidder for a two-year agreement and Earth Creations of Fruitland Township is the second lowest bidder.

FINANCIAL IMPACT: None – funds budgeted for this activity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To formally reject the bid submitted by Mr. Murray Vanderstelt because of severely deficient bid documents and approve a two-year contract with Freelance Enterprises, Inc. Additionally, to approve a three-year contract with Earth Creations and to authorize the Mayor and City Clerk to sign agreements with both companies for the mowing of lots and trash removal on properties located within the City.

Motion by Vice Mayor Gawron, second by Commissioner Carter to formally reject the bid submitted by Mr. Murray Vanderstelt because of deficiencies and approve a two-year contract with Freelance Enterprises, Inc., and additionally to approve a three-year contract with Earth Creations.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

D. Site Assessment Development and Reimbursement Agreement between Viridian Properties LLC and the City of Muskegon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has a Brownfield Redevelopment Loan in the amount of \$500,000 with the Michigan Department of Environmental Quality (MDEQ). The loan is for purposes of addressing environmental assessment and remediation for sites being redeveloped. An agreement has been reached with Dan Henrickson of Viridian Properties LLC to use \$250,000 of the loan for site improvements on Edison Landing. These improvements will address environmental concerns, enhance the aesthetics of the site and make the property more desirable from a marketing standpoint. Although the loan is between the City and MDEQ, Mr. Henrickson has agreed to make the loan payments.

FINANCIAL IMPACT: None, as Mr. Henrickson will be making the loan payments.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development and Reimbursement Agreement and authorize the Mayor and City Clerk to sign.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the site assessment development and reimbursement agreement between Viridian Properties LLC and the City of Muskegon.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

E. Liquor License Transfer Request for Community Management, Inc., 1149 Wood. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Community Management, Inc. to transfer ownership of the 2007 SDD and SDM licensed business located at 1149 Wood Street from Christian Kado, LLC.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the liquor license transfer request for Community Management, Inc., 1149 Wood Street.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, and Shepherd

Nays: Wisneski and Gawron

MOTION PASSES

F. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

555 Amity – Area 12

256 Iona – Area 11

811 W. Grand – Area 12

1850 Park

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds for 555 Amity and 256 Iona; General Funds for 811 W. Grand and 1850 Park.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Carter, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 555 Amity and 811 W. Grand.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals notice and order to demolish 256 Iona.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: Wierengo

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1850 Park.

Motion by Commissioner Spataro, second by Commissioner Carter to table the concurrence with the Housing Board of Appeals notice and order to demolish 1850 Park for 45 days and authorize staff to review the engineering drawings and issue permits and report back to the Commission on the progress.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk